

In re Patent Application of:

FLICK

Serial No. 10/043,077

Filing Date: JANUARY 9, 2002

REMARKS

The Examiner is thanked for the thorough examination of the present application. Independent Claims 1 and 46 have been amended to further define the invention over the cited prior art references. Dependent Claims 10 and 53 have been canceled and Claims 11-15 and 54-56 have been amended for consistency. No new issues are raised by these amendments.

In view of the claim amendments and supporting arguments presented in detail below, it is submitted that all of the claims are patentable.

I. Claims 1-17 and 46-56 Are Patentable

Amended independent Claim 1, for example, is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, and at least one vehicle device connected thereto. The vehicle control system includes at least one uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the at least one uniquely coded transmitter, and a controller at the vehicle spaced apart from the at least one vehicle device and connected to the receiver and the vehicle data communications bus. More particularly, Claim 1 has been amended to recite that the controller is for communicating with the at least one vehicle device via the data communications bus, being switchable to a learning mode and when in the learning mode learning the at least one uniquely coded transmitter to permit control of a vehicle function by the user, and causing an indication of whether at least one new uniquely coded

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transmitter has been learned by causing an indication that the learning mode has been entered. By causing an indication that the learning mode has been entered, the system therefore advantageously allows a user to determine whether an unauthorized transmitter has been learned.

Independent method counterpart Claim 46 has been similarly amended to recite using a controller for communicating with the at least one vehicle device via the data communications bus, switching the controller to a learning mode and learning the at least one uniquely coded transmitter to permit control of a vehicle function by the user, and causing an indication of whether at least one new uniquely coded transmitter has been learned by causing an indication that the learning mode has been entered. These added recitations were found in previous dependent Claims 10 and 53.

The Examiner rejected prior Claims 10 and 53 as unpatentable over Suman et al. in view of Flick '460 and Flick '571. The Suman et al. patent discloses a vehicle keyless entry system that is switchable to a training mode to train the keyless entry receiver to accommodate a remote transmitter for its first operation, additional transmitters, or replacement transmitters. The Examiner notes that Suman et al. disclose that the vehicle chime sounds when a new code has been learned as an immediate confirmation to a user that the new transmitter has been successfully learned. The Examiner correctly recognizes that Suman et al. fails to disclose a data communications bus extending throughout the vehicle, but cites the Flick '460 patent as disclosing such a data bus in a vehicle

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and cites the Flick '571 patent as disclosing an indication of when a learning mode has been entered.

It is respectfully submitted that the Examiner is using impermissible hindsight, gleaned from Applicant's own specification, as a motivation to selectively combine disjoint pieces of the prior art to produce the claimed invention. There is simply no proper motivation in the prior art to selectively combine bit and pieces from the three cited prior art references.

Accordingly, amended independent Claims 1 and 46 are patentable. Their dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

II. Claims 18-29 Are Patentable

The Examiner rejected independent Claim 18 over the Suman et al. patent in view of Flick '460 patent. Independent Claim 18 is directed to a vehicle control system for a vehicle comprising a vehicle data communications bus extending throughout the vehicle, and a vehicle indicator connected thereto. More particularly, Claim 18 recites a uniquely coded transmitter, a receiver at the vehicle for receiving signals from the uniquely coded transmitter, and a controller at the vehicle. The controller is for learning the uniquely coded transmitter to permit control of a vehicle function by the user, and communicating with the vehicle indicator via the data communications bus to cause an indication of whether a new uniquely coded transmitter has been learned.

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As noted above, Suman et al. discloses a vehicle keyless entry system that is switchable to a training mode to train the keyless entry receiver to accommodate a remote transmitter for its first operation, additional transmitters, or replacement transmitters. The Examiner correctly noted that Suman et al. failed to disclose a data bus extending throughout the vehicle, but cited the Flick '460 patent as disclosing the data bus.

Applicant respectfully submits that the motivation to combine Suman et al. with the Flick '460 patent comes from Applicant's present specification. Even if there were some proper motivation to combine bits and pieces of these references, it is respectfully highlighted that even such a selective combination would fail to produce the claimed invention. The "chime" indicator in Suman et al. is hardwire connected to the controller. Accordingly, combining Suman et al. with the Flick '460 patent, for the sake of argument, would produce a chime or indicator that is still only hardwire connected to the controller -- not communicating via the data communications bus as in independent Claim 18.

It is submitted that independent Claim 18 is patentable and that its dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

III. Claims 30-45 and 57-67 Are Patentable

The Examiner rejected independent Claims 30 and 57 over the Anzai et al. patent in view of the Flick '460 patent. Anzai et al. disclose a biometric authorization system for a

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vehicle that includes an enrollment mode. The biometric sensing of Anzai et al. is local to the vehicle, and not a remote transmitter/remote control vehicle system. The Examiner correctly notes that Anzai et al. lacks a data bus that extends throughout the vehicle, but cites the vehicle remote transmitter/remote control system of the Flick '460 patent as supplying the noted deficiency of Anzai et al.

It is again respectfully submitted that there is no proper motivation in the prior art to selectively combine the teachings of the two references in the manner suggested by the Examiner. The Anzai et al. patent is directed to local biometric sensing and control at a vehicle. In contrast, the Flick '460 patent is directed to remote control via a remote transmitter for performing remote vehicle control functions. The two references are directed to different problems and propose different solutions. Accordingly, it is submitted that Anzai et al. and the Flick '460 patent are not properly combinable. Independent Claims 30 and 57 are patentable, and their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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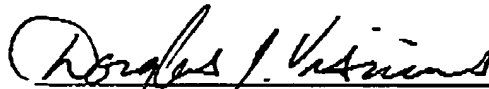
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IV. CONCLUSIONS

In view of the amendments and arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned agent at the telephone number listed below.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 1-703-872-9306 to the Commissioner for Patents, Mail Stop AF, Alexandria, VA 22313-1450 this 14th day of October, 2004.

